

Luke Berg

From: Luke Berg
Sent: Monday, April 13, 2020 3:16 PM
To: 'Hall, Samuel C.'
Subject: RE: Cohoon - Marquette County Sheriff Public Records Request

Sam,

Thanks for your response. A letter stating that the investigation into Amyiah's prior posts is closed will not be sufficient for the Cohoons, and, quite frankly, offers no amends to them whatsoever. Of course the investigation is closed – Amyiah did exactly what Sheriff Konrath and Sergeant Klump unlawfully demanded and deleted the posts. Absent some form of acknowledgement that they violated Amyiah's First Amendment rights, we are prepared to file a complaint on the Cohoons' behalf, and will do so soon unless we hear otherwise from you.

- Luke

From: Hall, Samuel C. [mailto:SHall@CrivelloCarlson.com]
Sent: Friday, April 10, 2020 10:53 AM
To: Luke Berg <luke@will-law.org>
Subject: Re: Cohoon - Marquette County Sheriff Public Records Request

Hi Luke,

Sorry for the delay in getting back to you. As you will see, the Sheriff just responded to your open records request in full.

I also had the opportunity to speak with Sheriff Konrath after I reviewed the relevant records (which you now have). Frankly, while I don't look forward to litigation in any case, I think litigation brought by your clients in this case would lack merit. There was no arrest, no prosecution and frankly this seems an awful lot like the 2020 version of screaming fire in a crowded movie theater, which as you know, could be subject to criminal prosecution under existing precedent.

If it would help allow your clients to have some closure, the Sheriff is willing to send your clients a letter advising that his Department's investigation into this matter is complete and that law enforcement is not referring charges or seeking prosecution by the District Attorney. There certainly will not be an apology and generally speaking, we think it is inappropriate for the Sheriff to comment on hypothetical future issues. As you note, the Sheriff cannot give your clients "carte blanche" to say whatever they want on social media and frankly I think it's unworkable to include in a letter what the sheriff may or may not do in a fact-intensive hypothetical situation. What he can do, and is willing to do, is to give your clients closure on the Sheriff's Department involvement in this matter.

If you'd like to discuss this further, please just let me know. Otherwise, if your clients are ready to move on from this and would like the letter I described from the Sheriff, please let me know and I can effectuate the delivery of such a letter early next week.

Thanks,
Sam

SAMUEL C. HALL, JR.
Crivello Carlson, S.C.

Sent from my iPad

On Apr 9, 2020, at 5:09 PM, Luke Berg <luke@will-law.org> wrote:

Sam,

Have you had an opportunity to speak with Sheriff Konrath about what he would be willing to offer the Cohoons to keep this from escalating further? Thanks.

- Luke

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From: Luke Berg
Sent: Tuesday, April 7, 2020 2:23 PM
To: 'Hall, Samuel C.' <SHall@CrivelloCarlson.com>
Subject: RE: Cohoon - Marquette County Sheriff Public Records Request

Sam,

Thank you for your response and for clarifying. My choice of wording was poor. At a minimum, my clients would like to know not only that the investigation of Amyiah's prior posts is complete, but also that, going forward, Sheriff Konrath and other officers from the Marquette County Sheriff's Office will not cite them for disorderly conduct (or any other crime), arrest them, jail them, or threaten any of the above, for First Amendment protected speech on social media, including any future posts similar to the prior deleted posts. Obviously Sheriff Konrath cannot give them carte blanche to say whatever they want online, but they would like some assurance that, if Amyiah or her parents repost similar things about Amyiah's experience with what may have been COVID-19, they will not have another deputy at their door. Again, this may or may not be sufficient without an apology; I will check with the Cohoons about that while you follow up with the Sheriff.

- Luke

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From: Hall, Samuel C. [<mailto:SHall@CrivelloCarlson.com>]
Sent: Tuesday, April 7, 2020 2:01 PM
To: Luke Berg <luke@will-law.org>
Subject: Re: Cohoon - Marquette County Sheriff Public Records Request

Hi Luke,

I will follow up with the Sheriff on this; however, I do not think an apology is going to happen. The rest of your request is likely on the table, though. As you know, the Sheriff does not make charging decisions, but after I have some further discussions, I think I could likely get some sort of a written correspondence to your clients from the sheriff indicating that any investigation of the matter is closed and that he is not recommending or referring any charges - or something to that effect. I can get back to you within the next day or two with confirmation that I can provide this.

I'm still in the fact-gathering phase of my work on this, but generally speaking I like to avoid dumping gasoline onto a fire, so I'd hope to at least be able to provide some closure for your clients that all law enforcement activity related to this entire ordeal is behind them, if that would help everyone move forward.

Thanks,
Sam

SAMUEL C. HALL, JR.
Crivello Carlson, S.C.

On Apr 7, 2020, at 1:50 PM, Luke Berg <luke@will-law.org> wrote:

Sam,

In the alternative to issuing a public statement, would Sheriff Konrath be willing to send a written statement directly to the Cohoons confirming that neither Amyiah nor her

parents will be criminally charged (or threatened with criminal charges) for exercising their First Amendment rights and apologizing to them directly for his actions in this matter? I will have to check with the Cohoons, but that may be enough to resolve this without litigation.

- Luke

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From: Hall, Samuel C. [<mailto:SHall@CrivelloCarlson.com>]
Sent: Tuesday, April 7, 2020 12:23 PM
To: Luke Berg <luke@will-law.org>
Subject: RE: Cohoon - Marquette County Sheriff Public Records Request

Hi Luke,

No. Beyond what may be contained in reports, the Sheriff is not planning to make any public comments or statements regarding any contacts with your client, who, as you know, is a minor.

Thanks,
Sam

Samuel C. Hall, Jr.
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From: Luke Berg [luke@will-law.org]
Sent: Tuesday, April 07, 2020 12:04 PM
To: Hall, Samuel C.
Subject: RE: Cohoon - Marquette County Sheriff Public Records Request

Sam,

Thank you for your response regarding our records request. Will you also be responding to the substance of our letter today, as requested? Thanks.

- Luke

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From: Hall, Samuel C. [<mailto:SHall@CrivelloCarlson.com>]
Sent: Tuesday, April 7, 2020 12:01 PM
To: Luke Berg <luke@will-law.org>
Subject: Cohoon - Marquette County Sheriff Public Records Request

Luke,

Please see the attached.

Thanks,
Sam

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